THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.13805 OF 2007

Dated 08-08-2007

Between:

A.P. Football Association,
Rep. by its Secretary and another

…Petitioners

And

Sports Authority of Andhra Pradesh,
Lal Bahadur Stadium, Hyderabad,
Rep. by its Vice Chairman & Managing Director,
and another.

…Respondents

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.13805 OF 2007

ORDER:

It is not without reason, that a country with one billion of population, could not produce a Football Team, which can at least, gain an entry into any world event. Less sport, and more litigation, appears to be the order of the day, and true, with majority of the Associations, which were formed once upon a time, to encourage sports. The present dispute epitomizes the same.

The 1st petitioner is an Association, that was registered in the year 1960, with an object of promoting Football in the State of Andhra Pradesh. Whatever be its accomplishment in the Football courts, it had kept the Courts of law busy, on several occasions, and in several places. Its office is located at Room No.1, in the Lal Bahadur Stadium, Hyderabad. It is stated that, in the elections held on 02-11-2003, Sri Nawab Anis-Ul-Mulk, was elected as the Honourary Secretary to the Managing Committee of the Association. As expected, the matter landed in the Court of XII Additional Chief Judge, City Civil Court, Hyderabad, in the form of O.P.No.1217 of 2003. As a result of the match fixing, or something of that sort, the O.P., came to be dismissed as infructuous, on 04-01-2006.

A parallel body came into existence, in respect of the petitioner-Association. The 2nd petitioner herein is said to have been elected as Honourary Secretary. He, in turn, filed a Civil Suit,

on original side, in the Delhi High Court, being, C.S.(OS) No.1482 of 2006, impleading Sri Nawab Anis-Ul-Mulk etc., for certain reliefs.

He addressed a letter to the Sports Authority of Andhra Pradesh, the 1st respondent herein, on 27-01-2007, stating that the Managing Committee of which, he is the General Secretary, alone is competent to function from the premises, and that Sri Nawab Anis-Ul-Mulk, has no authority, to use that place. Acting on this letter, and after obtaining necessary information, the 1st respondent addressed letter dated 22-05-2007, directing that Room No.1 be sealed. The petitioners challenge the said proceedings.

It is stated that, whatever may have been the justification for the respondents to issue the impugned letter in January, 2007, with the compromise of the dispute, between petitioners 1 and 2, the matter needs to be given a second look, and that the seals, put on the office, need to be removed.

The 1st respondent filed a counter-affidavit, stating that there are serious disputes and various claims, as regards the right to lead the Association, and that the Authorities in the Government of Andhra Pradesh and the 1st respondent, are making serious efforts to identify the persons, who shall be legally entitled to lead the Association.

The respondents 3 and 4 have also filed affidavits, disputing the claim of the petitioners. It is stated that, having taken serious objection, as to the legality of the functioning of the 1st petitioner, the 2nd petitioner has clandestinely compromised the matter, without any reference to the Committee, of which, he was a member.

Heard Sri M.V.S. Suresh Kumar, learned counsel for the petitioners; Sri V.Ch.Naidu, learned Standing counsel for respondents 1 and 2; Sri S. Ashok Anand Kumar, learned counsel for respondent

No.3, and Sri U.Muralidhar Rao, learned counsel for respondent No.4.

Even from a perusal of the impugned letter dated 22-05-2007, it is evident that the root cause for the present controversy is, the letter dated 27-01-2007, addressed by the 2nd petitioner, to the 1st respondent. While Sri Nawab Anis-Ul-Mulk, is said to have been elected as Honourary Secretary of the Association, on 02-11-2003, elections are said to have taken place on 26-02-2006 for that very Association. It is stated that in this election, Sri T.G.Venkatesh, was elected as President, and the 2nd petitioner, as Honourary Secretary. In view of this development, the 2nd petitioner addressed a letter to the 1st respondent stating that Sri Nawab Anis-Ul-Mulk, has no authority, to function from the office, in the stadium. The 2nd petitioner has also filed C.S.(OS) No.1482 of 2006, in his capacity as the Honourary Secretary of the Association. Sri Nawab Anis-Ul-Mulk, was impleaded as party to that. No adjudication was invited on merits. A memorandum of compromise was filed, wherein a separate set of persons were shown, as the Committee for the Association. The 2nd petitioner, now has donned the position of Joint Secretary, in the said Committee. The compromise was recorded by the Delhi High Court, on 16-06-2007. In the light of this, the petitioners want the respondents 1 and 2, to revoke the letter.

The compromise recorded by the Delhi High Court would certainly bind the persons, who are parties to it. Several individuals, agencies, and organizations, which had a say in the matter, were not made parties to the said proceedings. Civil suit was filed by the 2nd petitioner, in his capacity as Honourary Secretary of the Association. The very Association had taken action against him, alleging that he

acted without authority and permission of the organization, which he represented. Therefore, it cannot be said that a clear-cut picture emerges, as to the legality or entitlement of a particular set of persons, to represent the registered Association.

The seal, that was put, by the respondents 1 and 2, to the premises, can be directed to be removed, if only a competent court of law declares, or concerned authority of the State recognizes a set of persons, as competent to represent the Association, or a body is elected, in accordance with the prescribed procedure. In fact, the confusion, that prevailed in the matter, when the impugned letter came to be issued, got confounded, on account of change of sides by the 2nd petitioner. Therefore, this Court does not find any basis to interfere with the impugned letter. The only relief that can be granted in the writ petition is, that, as and when the competent Court, or authority declares a particular set of persons, as eligible to head the registered association, the seals can be removed.

Hence, the writ petition is disposed of, directing that the respondents 1 and 2 shall be under obligation to remove the seals, put, through the impugned letter, as and when the competent Court of law, or an Authority in the Government, recognizes a set of individuals, as competent, to head the A.P. Football Association, (Regd. No.98/1960), in accordance with its bye-laws.

There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt. 08-08-2007

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